

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA – TAMPA DIVISION**

**CASE NO. 8:18-bk-06229-RCT  
CHAPTER 13**

**IN RE:**

**Richard J. Dannenmiller  
aka Rick J. Dannenmiller  
aka Rick Dannenmiller,**

**Debtor**

**U.S. BANK NA'S MOTION FOR ORDER  
CONFIRMING TERMINATION OF AUTOMATIC STAY**

**NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached proof of service, plus an additional three days for service if any part was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court at George C. Young Federal Courthouse, 400 West Washington Street, Suite 5100, Orlando, Florida 32801, and serve a copy on the movant's attorney, Marc G. Granger, Esq., at Kahane & Associates, P.A., 8201 Peters Road, Ste 3000, Plantation, FL 33324, and any other appropriate persons within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

**COMES NOW**, U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the holders of the Washington Mutual Mortgage Pass-Through Certificates, WMALT Series 2007-2, its Successors and/or Assigns ("Secured Creditor"), by and through its undersigned counsel, as and for its Motion for Order Confirming Termination of Automatic Stay, and in support thereof states:

1. The Court has jurisdiction over this matter pursuant to 11 U.S.C. § 362, FRBP 4001(a) and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure and the laws of the United States of America.

2. The Debtor listed above (the “Debtor”) filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on July 27, 2018.

3. Secured Creditor holds a security interest in the Debtor’s real property located at **2583 Saturn Rd, Brooksville, Florida 34604**, by virtue of a Mortgage dated November 17, 2006, which was recorded in the Public Records of Hernando County, Florida, on November 28, 2006, under Instrument No. 2006092848. Said Mortgage secures a Note in the amount of \$440,000.00

4. Section 5(j) of Debtor’s Chapter 13 Plan (Doc. No. 17), filed on August 21, 2018, references Secured Creditor’s predecessor in interest, Chase Bank, and indicates Debtor’s intent to surrender the subject real property.

5. The language of the aforementioned Section 5(j) states, *inter alia*, that “[t]he automatic stay under 11 U.S.C. §§ 362(a) and 1301(a) is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any codebtor as to these creditors upon the filing of this Plan.”

6. Secured Creditor U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the holders of the Washington Mutual Mortgage Pass-Through Certificates, WMALT Series 2007-2, is the successor in interest to Chase Bank, the holder of the abovementioned claim/interest, and hereby seeks entry of an Order Confirming Termination of Automatic Stay with respect to same.

**WHEREFORE**, Secured Creditor respectfully requests that the Court grant Secured Creditor's Motion for Order Confirming Termination of Automatic Stay, and for such other and further relief as the Court may deem just and proper.

**I HEREBY CERTIFY** that a true and correct copy of the Motion for Order Confirming Termination of Automatic Stay was delivered to the addressees on the attached mailing list by First Class U. S. Mail postage pre-paid and/or by Electronic Filing this 13 day of Sept, 2018.

Respectfully Submitted,

**Kahane & Associates, P.A.**  
8201 Peters Road, Suite 3000  
Plantation, Florida 33324  
Telephone: (954) 382-3486  
Telefacsimile: (954) 382-5380

By: 

- ☒ Marc G. Granger, Esq., Fla. Bar No.: 146870  
☐ Gregg S. Ahrens, Esq., Fla. Bar No.: 352837  
☐ Taji Foreman, Esq., Fla. Bar No.: 58606

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was electronically filed and/or mailed by U.S. Mail to all parties listed below this 13 day of September, 2018.

**Richard J. Dannenmiller**  
325 33rd Ave NE  
Saint Petersburg, FL 33704

**Marshall G Reissman, Esq.**  
The Reissman Law Group  
5150 Central Ave  
St. Petersburg, FL 33707

**Kelly Remick, Trustee**  
Chapter 13 Standing Trustee  
Post Office Box 6099  
Sun City, FL 33571

**U.S. Trustee**  
**United States Trustee - TPA7/13, 7**  
Timberlake Annex, Suite 1200  
501 E Polk Street  
Tampa, FL 33602

Respectfully Submitted,

**Kahane & Associates, P.A.**  
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